With the respects of
James Green.

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A MEMBER OF THE MASSACHUSETTS BAR.

SECOND EDITION.

WORCESTER, MASS., U. S. A.,

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Transvaal
Addenda Archives -

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FROM THE AMERICAN LAWYER'S STANDPOINT.

A PAPER READ BEFORE THE WORCESTER SOCIETY OF ANTIQUITY

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CAUSES OF THE WAR IN SOUTH AFRICA.

It was in 1652, more than a century and a half after the Portuguese discoverers had doubled the Cape of Good Hope, when the Dutch East India Company founded a station near the present Cape Town as a point where their ships on the way to India could call and get fresh meat and vegetables and put their sick into hospital; for the long voyage of those days brought sickness or death to many an adventurer. Six years later, West African slaves were brought into the colony, and soon afterwards Malay convicts from the East Indies. In 1689, 300 French Huguenots came from Holland to the Cape. Here were the elements of the population. The French became lost in the Dutch surroundings. Their language, customs, education, disappeared after a few generations, and little that was distinctively French remained except some family names. The Malays fused with the blacks. The result was white masters and black slaves. If there were some blacks who were not quite slaves, they were all a servile caste, easily distinguished by color from the masters.

The colony was ruled by the Dutch East India Company, with a view to the company's interests and not for the colonists. The settlers, growing restless, wandered off from the settlement far into the interior, tending their herds and living a wandering life remote from government, law and taxes. They were too poor ever to get back to Holland and keep in touch with its education and refinement. A hundred and fifty years of this remote and solitary life to the close of the eighteenth century found them still wandering on the high tablelands of the interior,

combining with their fellowmen in communities no more than was necessary to present a warlike front to the natives, and making predatory incursions into their black neighbors' lands to enlarge their own pastures and bring away cattle and slaves. This life on horseback in the open air, gun over the shoulder, sleeping in tents, hunting wild beasts, warring against the savages, for many generations, built up a matchless race for war. They were no longer Dutch or French, but a distinct "Africander" race. Ownership of slaves of an undeveloped race, consciousness of superiority to all other people met in daily contact, war against nature, wild beasts and wild men,—usually successful,—little knowledge of what was going on in the outside world, together with the superb health and strength that came from their outdoor life, bred in them self-reliance and contempt for other men. They had heard at the end of the eighteenth century how the North American colonies had thrown off the rule of Great Britain, and about the French Revolution; and they threw off the government of the Dutch East India Company.

Europe was occupied now with the Napoleonic wars felt over all the world. England seized the Dutch settlements at the Cape, and in 1814, at the time of the treaty of Vienna, Holland confirmed the title by treaty in return for a money payment. British rule in South Africa, therefore, was solidly based on one of the group of treaties which organized modern Europe and consolidated the independence of the United States of America.

In various ways, however, the British rulers annoyed the old inhabitants. They were injudicious in introducing the English language prematurely in the courts and public offices before any large share of the people could understand it. Their early rule was military and sometimes arbitrary. The missionaries were another constant source of trouble to the Boers. They taught the natives the equality of all men before the law. They were the only

friends the poor blacks had, and they made it a point of conscience to report to their central societies at London and elsewhere every act of injustice which came to their knowledge. Perhaps their zeal carried them too far and made them report things they would better have overlooked. The Boers, however, found the doctrines and protests of the missionaries an unjustifiable intrusion. They were in no mood to endure any restraint which was not of their own creation, and of that they wanted as little as possible.

But the great wrong which stirred the Dutch to the depths was the abolition of slavery by Great Britain, in all her possessions, in 1834. This act was accompanied by payment for the slaves, quite insufficient to make up for the temporary injury, and so paid over—in London—that the colonists actually received very little of it. The property loss to the colonists was very severe, it was beggary to some of them. This act of emancipation seemed to the Boers the crowning wrong. They held that slavery was sanctioned by the Old Testament, and they saw no more justice in taking away their slaves without full compensation than in taking their oxen.

We have ceased to argue in the United States as to the right of holding men in slavery, and even as to its economical advantages. As to the duty of our whole country to pay our Southerners the value of their slaves, we never felt this duty before our American troubles broke out into civil war, any more than Great Britain did. Had the slave-holder a moral right to compensation, any more than any one who had held long possession of stolen goods? And if compensation was morally due to slave-holders, who was it who owed it? The colony had had the material advantages of slavery, such as they were, in the past. Why should the whole cost of the change be thrown upon the British Isles alone? As it was, Great Britain appropriated a hundred million dollars towards this loss in all her possessions.

The expediency, however, of Great Britain's paying the full value of the slaves—as of the United States' paying the whole value of the American slaves—is no longer debatable, in view of the costly and bloody wars that grew out of both emancipations. But though our own emancipation came a generation later than the British, and we might have drawn wisdom from their experience, yet our parties never divided in that interval upon the question of offering compensation for the slaves. Our Northern people would have said, "Why must I pay my neighbor to cease from wrong-doing?"

It was, of course, a stupid thing for the British administration not to take the utmost pains that the liberal sum it paid for abolition should reach the slave-holders with the least possible cost and loss, and not be frittered away in fees, expenses and discounts for collection in far-off London.

So the Dutch seceded from Cape Colony in 1836, to the number of nearly 10,000 people, in the "Great Trek" as they call it, and went off with their long ox-teams over the trackless plains of the interior. For a while they established very little government. They crowded the natives off of their pastures, treated them lawlessly and brutally, and were in constant warfare with them. The British became involved in this warfare from time to time, to the great annoyance of the home government. In hope of peace and lessened responsibility, in 1852 Great Britain established the "Sand River Convention" with the Boers beyond the river Vaal, and in 1854 made the Bloemfontein convention with the Orange Free State. By these conventions, the internal independence of the two republics was admitted. From that time to the present war, British relations with the Orange Free State have been generally satisfactory. The British and Dutch inhabitants have lived in harmony. For our present purpose we need only now to follow out the story of the great region beyond the river Vaal.

In 1877, twenty-five years after its independence, the Transvaal Republic seemed to have come to ruin. The Kaffirs under Sikukuni had routed them in the North, and the Zulus' well-drilled regiments under Cetewayo were about to enter the country from Natal.. The treasury was reduced to twelve and six-pence, and the farmers would pay no taxes. They were not averse to forays on the natives with all the excitement and cattle-plunder, but they hated to pay for any prolonged campaign. The danger was that the natives would not stop with the conquest of the Transvaal, but would override also the rest of South Africa. In this strait the British government sent Sir Theophilus Shepstone as commissioner to Pretoria to study the troubles on the spot, with powers to annex the republic if he thought best. He proclaimed the annexation. The President protested formally, but the people made no active resistance. Their chief feeling seemed to be of relief that they could depend upon England now for protection from the hostile tribes.

Here was another act among many where Great Britain did what seemed her inevitable duty, but did it without sufficient tact. There seems no question of the sore straits in which the Transvaal was found, and that British protection, if nothing more, was necessary to save the white man's interests in all South Africa. And if Great Britain was to bear the whole burden, it was only right that she should have power to control the political policy. If she had waited a little longer until the burden of bankruptcy and defence from the savages had become irresistible, it seems to all human foresight as if the Boers must then have sued Great Britain to do just what she did—accept the responsibility of the situation with the political power that goes with it, and protect the land as her own.

The Boers, I have said, made no resistance. But the English were slow to set up the local self-government they had promised—not from any thought, so far as appears, of

not doing it sometime, but from a natural delay when government is carried on from so great a distance as London. Canadian confederation was a somewhat recent thing, and the hope of accomplishing something similar in South Africa was in many an English mind. European statesmen, moreover, were intensely occupied then with the Russian-Turkish war, and the control of Constantinople. Still, home-rule was not forthcoming, and temporary military rule was naturally autocratic. Taxes were collected firmly. It is curious to read to-day, in view of how the Boers treated the Outlanders afterwards, of the great objection the Boers made then to British rule—that they laid taxes without granting representation.

Finally the British committed a serious indiscretion in the light of worldly wisdom. While the Boers were complaining of taxes and loss of independence, Sir Garnet Wolseley and Sir Bartle Frere led two British expeditions successfully against the hostile natives and then withdrew their forces. Kruger and Joubert had been in England during Mr. Gladstone's Midlothian campaign, and they knew how he denounced the Conservatives for what he called, in the fervid oratory of that campaign, their high-handed annexation of the Transvaal. They had hoped that when he came to power he would set them free with their debts paid and their black foes beaten. When they found, however, that he treated the annexation as an accomplished fact and let it stand; and when they saw that the hostile tribes had been defeated, and all had been gained from British rule which they had hoped for,—they rose in insurrection, invaded Natal, overwhelmed the few British troops that were left there and won the victories of Laing's Nek and Majuba Hill.

This was in 1881. Sir Frederic Roberts was sent out from England with troops, but before he could get to work the government agreed to a convention restoring the internal independence of the Transvaal. This was reaf-

firmed in the London convention of 1884. Equal rights for British residents and protection for the natives were guaranteed, and a veto upon the foreign policy of the republic was reserved to Great Britain.

British South Africa and British army circles were indignant at what they called surrender. The government at London, however, feared that the war would spread so as to call in all the Dutch in Cape Colony and the Free State as well as the Transvaal, and become a war of races, Dutch against English, in all South Africa. Moreover, these African possessions with their interminable petty wars had always been an annoyance and a great expense to Britain. There was a certain plausibility in the claim of the Transvaal that she had been annexed without her positive assent. In view of the ever-present possibility of European war, and the probability of entering upon enormous military operations in South Africa, the British government might well have questioned then whether all of South Africa was worth the suffering and cost. The Boers, however, saw nothing in England's scruples but cowardice. From this time onward they treated the British as inferiors, planned to be wholly independent of them, and even to drive them and their language out of all South Africa. To this end they organized the Africander Bond in 1881.

Pausing a moment here, let us ask how much independence Great Britain granted by these two conventions, and whether the Transvaal remained subject to Great Britain's suzerainty afterwards. Each convention was in the form of a preamble followed by articles of agreement. The preamble of the first accorded "complete self-government, subject to the suzerainty of her Majesty, * * * to the inhabitants of the Transvaal territory." But the Boers wanted complete independence and sent delegates to London for that purpose, to ask for a new treaty. The preamble of the new convention declared that "the

following articles of a new convention * * * shall be substituted for the articles embodied in the convention of 1881." If we look at the matter literally, then, only the articles of the first convention were amended, while the preamble remained in force. This preamble was important to the Boers for it was all that guaranteed their self-government; it was also important to the British, for it stated positively the Queen's suzerainty.

So much for the letter of the question; but the thing itself, the relation between the two countries, was declared by Article 4 of the new convention, as follows:—"The South African Republic will conclude no treaty or engagement with any State or nation other than the Orange Free State, nor with any native tribe to the eastward or westward of the Republic, until the same has been approved by Her Majesty the Queen." Therefore the final control over foreign relations, the most essential part of suzerainty, was reserved to England, whether the word was dropped or reënacted.

I pass over the explanations of both sides as to what they intended, for these solemn agreements themselves are the best evidences of intention. But besides the foregoing reasons we have the authority of Doctor Mommsen, who wrote some letters in the *Deutsche Revue* in answer to the letters of Professor Max Müller. He admits that "the two Republics are *de facto* dependent on the English right of protection. An effective independence cannot exist for these relatively small territories, cut off from the sea by English pressure, and the English sovereignty or suzerainty is, at least for us foreigners, little more than a dispute about a word. * * * These territories have for long decennia stood in practical dependence on England."

The discovery of rich gold deposits in the Witwatersrand followed in 1885. Immigrants rushed in, bought the gold lands at prices that made Kruger and his associates rich, founded and built the city of Johannesburg, and soon

changed the balance of things so much that the new-comers outnumbered the old inhabitants, and surpassed them many times over in property. With all this new wealth subject to taxation, the government found its revenues increased twenty-five fold — or from $900,000 to $22,000,000. Knowing the old Boer's prejudice against taxation, it laid new burdens where they would trouble him least — on dynamite, which was little used except by the new miners, on railway transportation of coal for their steam power, on the imported bread-stuffs on which the miners fed their native workmen, and on machinery for working the mines. The new revenues provided a salary of forty thousand dollars for President Kruger, liberal emoluments for his foreign-born advisers, and a secret-service fund that ranged from $200,000 to $1,000,000. Twelve million dollars appeared to have been loaned within a few years to officers of the government, without security or explanation, and not returned. The largest use of this great revenue, it is known at last, was for war-material.

The Transvaal had suddenly become rich from the industry of the new-comers. The latter were largely gathered together in Johannesburg and paid nine-tenths of all the taxes of the whole country. They needed water-supply, sewerage, street lights, pavements and proper police, as in other cities of that size; independent courts of justice, and the right to plead in English, especially when both parties to a suit were English; schools where their children could be taught in English, the universal language at Johannesburg; restraint upon the sale of liquor to the natives; and local town-government. Remember that they were already more than a majority of the white inhabitants of the whole Transvaal. All these things were refused to their petitions, and in their stead a fort was built at their expense to dominate this discontented population of Johannesburg, and heavy guns were ordered from France and Germany.

In 1892 the Outlanders organized the Transvaal National Union to agitate for reform—as we should do under like circumstances—"to obtain by all constitutional means equal rights for all citizens of the republic and the redress of all grievances;" and among the aims of the Union they included "the maintenance of the independence of the republic." When the Union presented a petition to the Volksraad, praying for a reform of grievances, signed by thirty-eight thousand Outlanders, one of the members of the Raad contemptuously declared, with the seeming approval and the merriment of the others present, that if the strangers wanted to get what they called their rights, they would have to fight for them. The Unionists bought a few arms, with very little secrecy, but none, as it proved, in comparison with the great magazines of the Boers, and all the while they only asked for reforms within the republic, not for independence nor for British rule. They had no military organization, equipment or drill sufficient for serious war. They were not even united as to their policy. Some, no doubt, would have liked to annex the Transvaal to Cape Colony, or to have it a separate colony of Great Britain. Many would have liked to form an Africander confederation of all South Africa. Some had fears that some other European power might be called in by the Transvaal to take the place of the English paramount power. But so far as it is easy to tell now, the chief desire of most of the members of the National Union was simply reform in the administration of the republic without any wider political change, and this is all that their programme called for.

While the Union was still deliberating, at the close of December, 1895, a force of 500 police of the British South African Company, under the lead of Dr. Jameson, started from Pitsani (not very far from the famous Mafeking), to march to Johannesburg to help the looked-for rebellion. How this hot-headed action came to be taken has never

been satisfactorily explained to the world at large, but every one knows how disastrous it was to the hope of reform or of revolution. The Union was not decided or ready to act in arms, and Dr. Jameson's little force was arrested. The British High Commissioner for South Africa disowned the movement and the British home Government disowned it. Sometime it will be known who was responsible for the raid. At present we have little but unproved charges. We know that the troops were not British soldiers, nor led by officers acting under British commissions, nor authorized to enter the Transvaal under the British flag. If Mr. Kruger claims that the Unionists were one at heart with the Raiders, he should remember that George III. also thought ill of the American farmers at Lexington and Bunker Hill, who had similar grievances to the Outlanders. He should recall the Declaration of Independence: "That whenever any form of government becomes destructive of these ends (the unalienable rights of man), it is the right of the people to alter or to abolish it."

We cannot deny, however, that the Jameson raid was a political crime. Its infinite folly is patent now to everybody. It gave to Kruger the pretext to say that the National Union, and even the British Cabinet, sought to gain its end by force and not by reason, and it alienated the sympathies of all of Dutch descent throughout South Africa. The folly of this raid is like the blowing up of the Maine, which stirred up so much passion that diplomacy had to give way to war. Of itself alone this incursion of a little squadron into a country where all the men were armed and drilled, was little more than a mosquito's buzz. Like John Brown's raid, its effect was chiefly spectacular.

So the Jameson raid brought the agitation of the National Union to naught, and a reform movement which had grave and hopeful reasons for peaceful, constitutional

action, perished miserably from somebody's rashness. The causes of the Union remained more urgent than ever for the Outlanders, and President Kruger's party saw plainly that the natural growth of the strangers by immigration must sooner or later make them irresistible unless the most strenuous efforts were made to keep them from political power. Subsequent events have shown how well the government used the next five years and the great resources of the new taxes to prepare the Transvaal for war. German and French officers were employed for advice and military instruction. The newest artillery and rifles were bought in quantity sufficient to arm every man of Dutch descent in all South Africa. Tireless negotiations urged the whole Dutch race to rise against the British everywhere when the time should be ripe. The secret-service fund supported diplomacy in Europe and influenced the Continental press to attack England in every way and to present a sentimental view of the Boer cause.

The strangers found themselves in bad plight. We may say that time was fighting for them, their numbers and wealth were growing, Kruger, their strongest adversary, was already an old man, and there had always been a small party of the Boers ready to grant reform if asked for peaceably. On the other hand, the courts of law, their only protection hitherto, had been robbed by the Raad of all independent existence, and everybody was living in discomfort and danger to health and life from want of water-supply, sanitation, street lighting and paving, and restraint of the sale of liquor to the natives. The police were ignorant of English, the language everywhere spoken. The mine-owners needed to make great outlays for machinery to work the mines at lower levels, but were afraid to do it before the political troubles were settled. Children were growing up untaught, except as they were sent to private schools. Impatient of trusting their deliv-

erance to the slow progress of time, 21,600 British subjects in the Transvaal petitioned the Queen of England to secure reform of their grievances and a recognition of their rights as British subjects. Sir Alfred Milner, the British High Commissioner, was sent to Bloemfontein and had a formal conference with President Kruger. The main remedy asked by Sir Alfred was admission to the suffrage for all white residents of five years in the Transvaal, upon renouncing their former citizenship, and representation in the Volksraad for the Johannesburg district, where most of the Outlanders lived, but limited so that the newcomers could number no more than one-fourth of the Raad. The details of this negotiation and of the subsequent diplomatic correspondence are too intricate to follow here. But the result of it all seems to be that whatever Mr. Kruger seemed to grant, he surrounded with such conditions as to make it practically inoperative. Such was the nature of his much-talked-of "offer to arbitrate," which declared "that no matter of trifling importance shall be submitted to arbitration," and that each side "shall have the right to reserve and exclude points which appear to it to be too important to be submitted to arbitration, provided that thereby the principle of arbitration be not frustrated!" Suddenly, in October, 1899, President Kruger sent an ultimatum to Great Britain to withdraw her troops from the frontiers within forty-eight hours; and immediately thereafter the army of the Boers invaded British Natal.

It would appear to have been the hope of the Boers to sweep swiftly over the British provinces down to the coast before the British army could be raised and transported over the sea. But the little British army on the spot was able to defend Ladysmith, Kimberly and Mafeking, and hold back the Boers until Lord Roberts arrived with his army from England.

We are told that the Boer is defending liberty against the Briton. Liberty for whom and for what? It is not claimed that the Boer is interested in the liberty of the native Africans whom he found in occupation of the land when he entered and conquered it, and whom he has raided, plundered and carried into forced labor during all the time of his occupancy. The Kaffirs and other natives within the Transvaal boundaries are said to number ten to every Boer —to make no account of the natives in the adjacent lands. Whether these natives are exactly in the condition of slavery, or are in some less absolute form of enforced subordination, it is not claimed that they bear any part in electing the government or framing the laws of the Transvaal, or are ever taken into account when the rights of the people are spoken of. The Boer's idea of liberty is something for the Boer and not for the Kaffir: for himself and not for his ten aboriginal neighbors. Without considering at this moment what most of us call the wrong of slavery, for I know it is disputed that existing facts will fully justify that name, what is the basis of this republican franchise—this liberty which the Boer is defending? Are all the inhabitants represented as human beings, or are they represented as our American slaves used to be represented in our Southern States before our Civil War—merely as a basis for voting by white men; or are they not represented at all?

A pertinent retort at this point would be—whether the British would be likely to give the suffrage to the native Africans if they should prevail. The answer to this question would naturally be that very likely few, if any, natives would be given the ballot at first; but English history shows that the Africans would never more be held in slavery nor any longer have their political ideas developed by the rhinoceros-hide whip which sets them thinking now. The story of British rule in India and in Egypt in these late years, tells us how they are likely to treat

the aboriginal Africans. Whatever wrongs the English-speaking peoples have been guilty of in their past dealings with less fortunate races,—and we have to blame them often,—it ought to be borne in mind that Great Britain emancipated all her slaves two generations ago, and the United States did the same a generation later. Judging from what the British did in Cape Colony, we may believe that the blacks would be treated with equality and humanity under the law, and the suffrage would eventually not be based on color.

If the Boers are not fighting for the liberty of the aborigines, who are ten to one of their population, they certainly are not fighting for the liberties of the foreign immigrants who have come among them in these late years—the Outlanders, who already are double the number of the native Boers. So if we consider the aborigines as ten parts of the population, and the Boers as one part and the Outlanders as two parts, the Boers are only one-third of the white population and one-thirteenth of the total population of the Transvaal. To us Americans who are used to universal suffrage, these figures are disquieting. It is not as if we found a test of education, equally applied to all men in the land, but yet so high as to disfranchise twelve out of thirteen until they should qualify themselves by study in the free schools. Nor is it even a property qualification which men might reasonably aspire to satisfy by labor and self-sacrifice. It is the Dutch branch of the Germanic race refusing an equal vote to the English branch of the same race without regard to knowledge or condition. It is the awful test of race or color without regard to worth.

I have treated as nothing a certain limited right of citizenship now existing; for it depends upon fourteen years of residence and many perplexing conditions before it is granted; and finally it depends upon the will of the

President. Such a whimsical privilege is not what we call a right of suffrage in America.

While this political liberty for which the Boers are fighting seems to be more limited than it is with us, we turn our eyes to another aspect of liberty — religious liberty.

The Boers are Protestant Christians like many of ourselves, but Protestants of the type of two or three centuries ago, when stern and forbidding interpretations of the Old Testament had more influence over men's minds than the gentler doctrines of the New Testament. They are of the type of Protestant that is called to mind when we read of the Scotch Covenanters, or the Puritans of Salem. They are an archaic survival of intolerant days. Their British opponents, on the other hand, whether they are Irish or English Catholics, or Scotch dissenters, or English Churchmen, are religionists of to-day, liberalized by the mellower influences of the nineteenth century. When the Boer talks of religious liberty he does not mean the full equality of all religions before the law; he does not mean freedom and equality for the Catholic or the Jew. He is thinking of that narrower and more forbidding type of liberty which permitted our ancestors in Massachusetts to persecute Quakers and Baptists.

If the Boers' idea of political and religious liberty is not exactly what we are used to in modern times, what can we say of intellectual liberty among them? In some ages of the history of the human race, when men have almost despaired of freedom, the human mind has nevertheless been allowed to soar aloft from the scholar's chamber until it found freedom and serenity in the near contemplation of truth and knowledge. But have we any reason to believe, from any books or utterances that have come to us from the Transvaal, that intellectual liberty is an ideal that has anything to do with these troubles in South Africa?

Liberty in the Transvaal, I am afraid, means liberty for Boers to do what they please with their own; liberty to hold the native races in cruel bondage; liberty to tax and conscribe all immigrants without allowing them a voice in the government; liberty to leave themselves untouched by the taxes they lay upon aliens and blacks. The Boer is not fighting for the American ideal of political liberty; nor for the modern ideal of religious liberty; nor for the German ideal of intellectual liberty. Our Puritan poet has said it, "License they mean when they cry liberty."

In talking of liberty we of the United States have often sinned in talking as if there were little liberty in the world outside of our own country. Unhappily our public schools have often helped to form and solidify this delusion. The majority of our children end their schooling at the point where they have studied something about American history and American institutions, but little about English history and institutions out of which their own have developed, and positively nothing about the free cities of Europe in the Middle Ages, the French Revolution, and the growth of freedom and constitutional government outside of America in modern times. We have lived a singularly isolated national life. To the great body of our school children the word Republic stands for freedom and Monarchy for despotism. Therefore, when they heard that the British empire was opposed to the South African republics, they felt the case was clear. Liberty was threatened by despotism and all the dry details of the issues between the two countries were superfluous. So the first impression of the native American citizen has been much influenced by the names Republic and Empire.

Disregarding, then, these words, let us ask, which of these two governments really deserves our sympathy? Which is the more democratic, the less absolute? Which of the two stands for our beloved Lincoln's ideal of "government of the people, by the people, for the people"?

Which comes the nearer to the heights of our Declaration of Independence?

The government of Great Britain is somewhat familiar to us all. We have seen her suffrage steadily extended, and the powers of the House of Commons constantly enlarged and those of the Crown and the Lords cut down. The whole British system is more complex than our own, for English liberty has always been a growth, an amendment of former things, and not a new creation, and an old system amended is not so simple and beautiful as a newly created scheme. They did things differently in France, where the Revolution destroyed all former government and created a new system on philosophical lines—even writing ten days into the week and discarding the old-time reckoning of the Christian era. It is needless to say, however interesting we may find the story of French reform, and however much we may confess the world owes to the thoroughgoing methods of the French Revolution, we nevertheless proceed generally in our own affairs in the way of English liberty, and reform the old things more than we build up new ones on ideal plans. But as we started out anew in our own country, and our constitutions were drawn up by singularly gifted men, we had the advantage of the new start and simplified a host of things. Still, I say, British liberty and American liberty have proceeded on almost parallel lines, till Great Britain is practically as free and democratic as we are.

What do we find to be the case in the South African Republic? I have already tried to show how its political and religious liberties differ from ours. Let us see how it stands the test of our Declaration of Independence. It may not be modest for us Americans to cite the early clauses of that charter, "that all men are created equal," for it is only for one generation that we have lived up to that ideal. But it certainly is the duty of the friends of the Boers in Europe to apply this standard as well as that other

one of "liberty, equality, fraternity." Does the Transvaal believe that "governments derive their just powers from the consent of the governed"? Surely this does not say that one Boer should make laws for his two English neighbors who have at least as much intelligence and property as himself, without their consent. Does it apply to itself our indictment against George III. that he "obstructed the laws for naturalization of foreigners, refusing to pass others to encourage their migration hither"; that "he has made judges dependent on his will alone for the tenure of their offices"; that "he has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance"; that "he has given his assent to acts of pretended legislation for imposing taxes upon us without our consent."

Consider further what kind of courts and judges the South African Republic thought satisfactory for a free people. Let a single example suffice. The Transvaal had had a constitution since 1858, making the courts independent of the Raad and prescribing certain formalities and limitations upon the Legislature, and the Supreme Court had repeatedly declared laws to be void because at variance with the constitution. But in 1897 the Raad passed an act (Law No. 1, 1897), regardless of these constitutional provisions, declaring that all resolutions of the Raad are law and must be enforced by the courts, and the judges must take a new oath to decide accordingly. The act further directed the President to demand of the judges to say whether they considered themselves bound by their oaths to treat all resolutions as law without considering their constitutionality, and to dismiss them if their answers were not satisfactory. This revolutionary act, advised and enforced by the President, violated the constitution and left the Supreme Court subject to the ever-changing wishes of the Legislature. In accordance with this resolution, Kruger interrogated and then dismissed Chief Justice Kotzé of the Supreme Court.

Ought our sympathies to go out to the Boers because they are developing their country for the best good of mankind, or even for their own best good?

It is now about sixty-five years from the "Great Trek" of the dissatisfied Dutch into the wilderness. They have occupied their land as a great pasture-land. They have accumulated great flocks and herds. But they have made only moderate progress in agriculture, and none in manufactures and commerce. Their largest city, Pretoria, has a population of 12,000 people. The city of Johannesburg, built and inhabited by foreigners, with a population of 100,000 souls, is hardly to be counted as a sign of their progress, for it grew up without their care and protection, and was chiefly prized by the Boers as a good subject for taxation. The rising wealth of the Transvaal and the existence of Johannesburg sprang out of the gold mines; but their development was not attempted by the Boers themselves, but was due to the energy, skill and capital of the British and other Outlanders. In the rest of the Transvaal the usual signs of prosperity and civilization are lacking. Prosperous cities with good schools and colleges, aqueducts, sewers and fire departments, good roads and cheap transportation—these and other signs of progress are wanting. Their great herds of cattle and horses, like similar wealth on our western plains of America, are only the forerunners of a more thrifty agriculture that may perhaps come by and by, but has not come yet. Their greatest evidence of accumulated wealth was hidden sedulously from the Britons; it consisted, apart from the sudden fortunes of the ruling clique, of monstrous stores of munitions of war, hundreds of cannon from the factories of Creusot, and Krupp, and 150,000 Mauser rifles—enough for many times their whole military population. While Great Britain was encouraging Canada and Australia in the freest home-rule, building railways throughout India, making Egypt blossom like a garden in freedom and peace, the Transvaal was taxing in-

dustry, mining and transportation to the limits of endurance, only careful to levy taxes where they would reach Outlanders best and Boers least. The great revenues so raised were put into war-materials, large salaries and an enormous secret-service fund. Johannesburg contributed most of this wealth. It might go without sewers or proper schools, while its death-rate was three or four times that of New York, but the guns must be had without fail. The discovery of gold in the Witwatersrand gave the Boers a chance to show what they could do to develop the land. They invited immigration. They sold their gold-bearing lands to the new-comers. They made no effort to develop the mines for themselves. In truth, the nature of the gold mines called for experience and capital to make them pay; and they had neither the money nor the skill nor the patient industry to work them. Their railways they allowed to pass into foreign ownership also, content to submit to enormous rates of toll so long as most of the freight and passage money was paid by the foreign developers of their industries.

Can it be claimed that the Boers were developing their land to the best advantage in educational and spiritual things? I have already spoken of their religious ideals as very different from those we are used to praise; and progress in educational things, so far as I have ever read, has never been claimed for them. It was in Johannesburg, not in the Transvaal generally, that Mr. Bryce found the roughs to be few, and educated men unusually numerous.

But we are told that an ethnical development of the Dutch South African people would be of the greatest interest and value to mankind; that their ancestors for centuries had occupied South Africa, and that these people ought to follow out their interesting experiment to the end without foreign interference. Did our American ancestors a century or two ago think the same of the French who had founded thriving colonies in the New World? Did we

leave to them the control and occupation of the Mississippi valley? Did we let them keep their fortress of Louisburg, and all their possessions in Canada? Did we then lie awake nights to foster the ethnical development of the American aborigines who were making war upon us? It seems to me we have always acted on the principle that we should hold the land because we should best develop it for the good of mankind; and that all who chose to remain and share the land with the victor must conform to his broad ideas of liberty. The Indian's right to scalp our women and children, or any man's right to hold another race in slavery, we have not in latter days assented to. We do not need to go all the lengths of the imperial idea in order to say that men, and nations too, have a right to fight for equal rights and liberty, even in foreign lands. In the same spirit we may also say that the race development of Boers or any other people is not a gain for the world if it must be had at the expense of those lofty ideals for which Americans and Frenchmen were ready to die a century ago in the American and French Revolutions.

But if this last view is not satisfactory, and it still seems a pity that the Boers could not be left to develop themselves indefinitely in their own way, what have we to say about the Kaffirs? They are still very ignorant and down-trodden; but they would like to be left to develop themselves on their forefathers' hunting grounds, to harry and tax and perhaps to eat intruders, and to shut out the doctrines and ways of the European. Is not the Hottentot's ethnical development also a sacred thing? The Boer and the black man are each desirous of holding the land for himself. Both are hostile to equality and liberty. The black man got there first; the Boer is the stronger. Does military strength give a better moral right than first possession? But if a stronger military power enters the land, what moral claim can the first dispossessor have except just this—that he has ruled the land in justice, equality and light? If he fails to show him-

self thus in the right, how can his own former aggressions on the land be forgiven? How can his piteous cry to be let alone be respected?

The real causes of this African war are not on the surface. Great Britain seemed to be demanding a revision of the franchise from a State which she had made independent of her in such internal affairs. The Boers, on the other hand, talked passionately of liberty, while liberty in their mouths was not of our American model, any more than their enemies of the present war resemble George III.

Great Britain was really seeking for protection and equal rights for her subjects in a foreign land in vital matters of health, education, civilized life and equality of burdens, and she asked for their enfranchisement as the best means to that end. Her people had been invited by President Kruger, by advertisement in a London newspaper, to seek their fortunes in the Transvaal. Its constitution declared that "the territory is open for every foreigner who obeys the laws of the Republic." The conventions of 1881 and 1884 gave British subjects the right to live there, own land, carry on business, and not be taxed otherwise than the burghers; and they granted self-government to the "inhabitants of the Transvaal territory," without specifying the Dutch alone. They were solemnly promised equal protection and "no difference in privileges so far as burgher rights are concerned." The laws at that time granted citizenship upon two years' residence. These promises were practically broken. They were allowed only comforts and privileges of ages ago. Their pretended equal taxation was a fraud; taxation only touched the things that concerned the strangers. They wanted the ordinary things of modern, urban life, and were paying for them enormously. But they saw their taxes spent in

European intrigue and in powder and guns—all in hate of themselves and their mother-country.

British diplomacy demanded a more liberal suffrage for the strangers and a minority representation in the Volksraad, not exceeding one in four. Speaking technically, it ought rather to have demanded a redress of the specific wrongs, as of taxation, sanitation, etc. But who knows that the demand would not have taken that correct technical form if the negotiations had not been suddenly broken off by the Boers' declaration of war?

It takes a very literal lawyer to insist that the British demand for suffrage was inadmissible when all parties knew in detail the grievances this suffrage was intended to redress. Therefore, we have a right to recognize that the Outlanders' material wrongs are what Great Britain based her demands upon. Kruger tacitly admitted it by discussing the extent of the franchise he would grant.

And yet we must confess that it was a mistake to put the demands upon apparently untenable grounds, for it allowed the enemies of Britain to say she went beyond the law and was trying to pick a quarrel without cause.

But these wrongs which the strangers complained of were on the surface. Down in the depths were the reasons why the Boers were willing to treat the Outlanders harshly. Slavery has been discussed already; it seems to many the chief cause of all the trouble. English and Dutch, being closely akin by race, ought not to have lived together in South Africa without a complete fusion of race such as happened in New York State between the same races. But the African Dutchmen, living mostly a different life from the Europeans, acquired characteristics of their own, and it was as if two different centuries had run against each other. In Cape Colony, Natal and the Free State, the two elements were uniting well before the Jameson raid, when a distinct wrong was committed on the British side—little as the government may have been

responsible for it. But in the Transvaal there was no such fusion. The Boers remembered the emancipation and their Great Trek; and living in the solitude of ranchmen, they brooded over their injuries. The blacks were always with them, and the British missionaries and officials interfered with treating them as they chose. So the passion which caused the Great Trek was never cooled. Injudicious haste in introducing the English language was another cause of trouble. The conquered people were sensitive to mistakes, neglects and wrongs. In 1877 came the annexation of the Transvaal—a hasty act that seemed at the time unavoidable for the sake of both white races; and the British slowness in granting the Boers a local government, until they rose in revolt and achieved some little victories. After this came the British cession to the Boers' arms of what they had neglected to give in fulfillment of their promises. This surrender was a grand psychological error. The Boers despised the British for it. The British colonials also nursed a sense of betrayal and disgrace undeserved and unatoned for. Later came the discovery of the rich gold-fields of the Witwatersrand, and the vast growth of the Transvaal revenues—wealth without labor and seemingly limitless. Whether the Volksraad became corrupt, as is freely charged, we cannot know. But the acknowledged uses of the vast receipts were a gross outrage. The corrupting effect of a flood of wealth that came without labor is what Professor Naville of Geneva considers the chief cause of the war:—"It is above all a question of money—of gold." * * * "This independent political life for which the Transvaal is pouring out its blood, of what does it consist," he asks, "and what has it produced? Only two things: oppressing the blacks and overreaching the strangers."

Yet no one, Boer or Briton, need despair for the future, if Great Britain prevails. The New York descendants of the Dutch have had full influence and ample honors. So

will it be in Africa. Under British administration the material development of the land will make the old residents prosperous. Personal liberty will blossom everywhere. Christianity will produce better fruit from the self-sacrificing lives of devoted missionaries. We of the English language cannot help feeling that as our language spreads over the land, freedom and civilization will grow with it.